

REMARKS

Applicant has carefully reviewed the Final Office Action ("Action") dated July 29, 2008.

Objections

The Examiner has indicated that the specifications and the drawings filed on December 2, 2003 are objected to. However, there are no remarks in the Action to that effect, or commenting on the amendments to the specifications and the drawings that were submitted in the April 7, 2008 reply to the Office Action dated October 5, 2007. Applicant therefore requests either withdrawal of the objections or remarks addressing the amendments to the specifications and the drawings submitted on April 7, 2008.

Status of the Claims

Claims 1-19 are pending in this application. Claims 1-3, 5-11, 13-14, and 16-19 are original. Claims 4 and 15 have been previously presented. Claim 12 is currently amended to more particularly define Applicant's claimed invention. No new matter has been added.

Claim Rejections

Claims 1-3, 5, 7-9, 11-13, and 16-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2005/0147107, now U.S. Pat. No. 7,133,367 to Powers et al. ("Powers"). Claims 6 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Powers. Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Powers in view of Japanese Patent Application JP 401101751A to Ootake et al. ("Ootake"). Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Powers in view of U.S. Pat. No. 4,745,593 to Stewart et al. ("Stewart").

Applicant respectfully traverses the rejections, and requests reconsideration and withdrawal of the rejections in view of the remarks set forth below.

Powers does not teach "providing the status of the plurality of communication links to each of the plurality of destination nodes that generated a return message," as recited in claim 1.

In particular, Powers does not teach that a particular node is provided the status of the plurality of communication links," as recited in claim 1. The Examiner claims that "the identifier code (return status message) indicat[es] the status of the plurality of communication links to each of the plurality of destination nodes (interfaces 80, 85, 90, 95)" (Action, page 9, paragraph 4), and also that "each destination node was provided a status message (physical alarm) of the plurality of communication links at the database 70" (Action, page 10, paragraph 1). Applicant respectfully disagrees.

The identifier code is not a status message indicating the status of a plurality of communication links; rather, the identifier codes consist of cell identification and routing instructions (Powers, paragraph 24, 27) and determine the path for a given cell. A node receiving a cell cannot determine from the identification code where the cell originated from, or where its final destination is; it can only determine what it should do with the cell (e.g. forward it to an adjacent node with or without changing the identification code first). Therefore, without knowing the origination and destination of a particular cell, a node cannot determine the status of the communication link the cell is associated with, and furthermore, Powers does not teach any method by which a node can determine a communication link status, regardless of what is sent to it. Hence, the identification code is not "a status message" as the Examiner claims. Furthermore, a particular node in Powers is not provided the status of "the plurality of communication links," which includes the communication links status of other nodes in the system. Therefore, a particular destination node is not provided "the status of the plurality of communication links" as recited in claim 1.

As to the Examiner's assertion that "physical alarms" constitute status messages (Action, paragraph 10), Applicant notes that while a physical alarm at a particular node may indicate that a particular communication link is unavailable, it does not indicate the status of any other communication links in "the plurality of communication links" recited in claim 1. Furthermore, Powers does not teach that a problem at a particular destination node that sets off a physical alarm also sets off physical alarms at all other destination nodes. Hence, Powers does not teach "providing the status of the plurality of communication links to each of the plurality of destination nodes," as recited in claim 1.

Independent claims 12 and 17 recite similar subject matter, and the remarks set forth above apply to these claims as well.

Thus, Powers does not describe all the elements of claim 1, 12, or 17 as is required by MPEP §2131 to make a proper rejection under 35 USC §102(e). Since Powers fails to teach each and every element of claims 1, 12, or 17, the 35 USC §102 (e) rejection of these claims should be withdrawn..

Since claims 2-11, 13-16, 18, and 19 depend from and add limitations to these independent claims, the 35 USC §102 (e) or 35 USC §103 (a) rejections of these claims should be withdrawn.

CONCLUSION

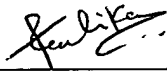
In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. CDPC-P01-003 from which the undersigned is authorized to draw.

Dated: September 29, 2008

Respectfully submitted,

By 

Tushar Parlikar
Registration No.: 61,715
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant